

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

Sherrie Whitfield, as Personal)
Representative of the Estate of Ramone)
Demorre Whitfield,)

Plaintiff,)

vs.)

Southern Atlantic Partners, LLC, and Jane)
Doe,)

Defendants.)

Civil Action No.:

NOTICE OF REMOVAL

The Defendant Hampton Apartment Homes, LLC (“this Defendant”) would respectfully show the Court in support of its Notice of Removal that:

1. The Summons and Complaint in this action were filed on January 19, 2022, in the Court of Common Pleas for Williamsburg County, South Carolina. Service was effected on this Defendant on January 31, 2022. Attached hereto are copies of the Summons and Complaint filed by Plaintiff in the Court of Common Pleas for Williamsburg County, South Carolina and the Affidavit of Service executed by the undersigned counsel on behalf of the Defendant.

2. The United States District Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332(a).

3. Plaintiff is a citizen and resident of South Carolina. Defendant Southern Atlantic Partners, LLC, is a limited liability company organized and incorporated in the State of North Carolina with its principal place of business in the North Carolina. Defendant Jane Doe is a fictitiously named defendant who according to Plaintiff’s Complaint “is a citizen and resident of Williamsburg County, South Carolina, and, at all times herein, was employed by Defendant Southern Atlantic to manage and operate the Premises as a Property Manager.” *See Paragraph 7*

of Complaint. Pursuant to 28 U.S.C. § 1441(b), "[i]n determining whether a civil action is removable on the basis of [diversity subject matter] jurisdiction under section 1332(a) . . . ***the citizenship of defendants sued under fictitious names shall be disregarded.***" *Id.* at § 1441(b) (emphasis added).

4. This action involves the death of Ramone Demorre Whitfield (the "Decedent"), for which a substantial part occurred in Williamsburg County, South Carolina. Upon information and belief, the amount in controversy in this matter exceeds \$75,000.00.

5. Venue is proper in this matter in the Florence Division of this Court, in accordance with 28 U.S.C. §1441(a).

6. This Defendant has filed no pleadings in this action with the Court of Common Pleas for the State of South Carolina in response to the Complaint; however, this Defendant's Answer to the Complaint will be filed contemporaneously with this Notice of Removal, along with all affirmative defenses.

7. This Defendant has furnished a copy of this Notice of Removal to the Clerk of Court for Williamsburg County.

Respectfully submitted,

By: s/Benjamin H. Joyce

Ellis R. Lesemann

erl@lalawsc.com

Benjamin H. Joyce

bhj@lalawsc.com

LESEMAN & ASSOCIATES LLC

418 King Street, Suite 301

Charleston, SC 29403

(843) 724-5155

March 1, 2022
Charleston, South Carolina

***Attorneys for Defendant
Southern Atlantic Partners, LLC***